

REMARKS

Applicants have amended claims 1 and 28 to delete the terms "hydrate", "solvate" and "polymorph". With the amendment, claims 1 and 28 still cover compounds under the recited structural formula in any physical form. Applicants have amended claim 1 to delete certain embodiments and incorporate embodiments from claim 2. Applicants have amended claims 2 and 3 to delete certain embodiments. Applicants have amended claim 17 to correct a typographical error. No new matter is added.


Claim Rejections – 35 USC § 112

The Examiner has rejected claims 1-6, 28 under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for pharmaceutical salt, does not reasonably provide enablement for hydrate, solvate, polymorph.

Without acquiescing the Examiner's rejection, and solely to advance prosecution, applicants have deleted the above terms from claims 1 and 28.

Claim Rejections – 35 USC § 102

The Examiner has rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by US 3,577,458 or by US 3,465,024 or by US 6,713,646. The Examiner contends that specific

compounds in the cited references anticipate R^a as ¹. The Examiner has objected Claims 33, 34 and 36 as being dependent upon a rejected base claim.

Applicants have amended claims 1-3 to eliminate R^b as methyl (as described in the '458 patent and the '024 patent). Applicants have also amended claim 1 to delete the embodiment of R^b as alkenyl (C(CH₃)=CH₂ as described in the '646 patent), thereby overcoming the rejection.

¹ Applicants think that the Examiner meant



If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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